

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ECF CASE

SOTHEBY'S, INC.,

Plaintiff,

-against-

HALSEY MINOR,

Defendant.

Civil Action No. 08-CV-7694(BSJ)(HP)

**PROPOSED ORDER COMPELLING
COMPLIANCE WITH SUBPOENAS;
ORDERING TURNOVER OF CASH AND
PERSONAL PROPERTY; AND
GRANTING LEAVE TO REGISTER
JUDGMENT IN OTHER DISTRICTS**

WHEREAS, the Court has entered judgment in favor of Plaintiff Sotheby's, Inc. and against Defendant Halsey Minor in the amount of \$4,394,000.00 in principal and \$2,245,850.99 in prejudgment interest and late charges, for a total judgment of \$6,639,850.99 as of March 31, 2010, plus interest thereon pursuant to 28 U.S.C. § 1961 until the date of payment (the "Judgment");

WHEREAS, no part of the Judgment has yet been paid;

WHEREAS, as of May 13, 2010, Defendant does not have sufficient assets in this District to satisfy the Judgment; and

WHEREAS, as of May 13, 2010, Defendant appears to have significant assets in the Virginia, under jurisdiction of the United States District Court, Eastern District of Virginia; San Francisco, California, under jurisdiction of the United States District Court, Northern District of

California; and Los Angeles, California, under jurisdiction of the United States District Court, Central District of California, and may be revealed to have assets in other districts based on further disclosure ordered herein;

WHEREAS, Plaintiff has shown good cause under 28 U.S.C.A. § 1963 for leave to register a certified copy of the Judgment in the United States District Court, Eastern District of Virginia; the United States District Court, Northern District of California; and the United States District Court, Central District of California, as well as in other districts in which Defendant may be found to have assets based on disclosure ordered herein;

WHEREAS, Defendant was served by personal process with a duly authorized subpoena duces tecum, information subpoena, and subpoena to testify and a restraining notice on April 23, 2010, all pursuant to New York law;

WHEREAS, Defendant has not answered the information subpoena, nor appeared for a deposition, nor provided all of the documents required by the subpoena;

WHEREAS, Browne Woods George LLP was duly served with an authorized subpoena and April 22, 2010;

WHEREAS, DLA Piper was duly served with an authorized subpoena and April 23, 2010;

WHEREAS, Plaintiff has moved by order to show cause pursuant to Fed. R. Civ. P. 69, 28 U.S.C.A. § 1963, N.Y.C.P.L.R. § 5225 and N.Y.C.P.L.R. § 2308(b), as applied through Rule 69, and Judgment Debtor having opposed such motion, and after due deliberation thereon.

NOW, THEREFORE, IT IS HEREBY:

ORDERED, pursuant to 28 U.S.C.A. § 1963, that Plaintiff may register a certified copy of the Judgment in the United States District Court, Eastern District of Virginia; the United States District Court, Northern District of California; and the United States District Court, Central District of California ~~and in all other districts in which further disclosure reveals that Defendant has assets and the Clerk of the Court is directed to provide certifications of the Judgment so that it can be registered in other districts; and it is further~~ *bsj*

~~ORDERED, pursuant to Fed. R. Civ. P. 69 and N.Y.C.P.L.R. 2308(b), that Defendant shall comply with the subpoena issued by the attorneys for Sotheby's, Inc. and served on Defendant on the 23rd day of April, 2010; and it is further~~ *bsj*

~~ORDERED, that Defendant answer the written questions propounded to him pursuant to CPLR 5224; and it is further~~ *bsj*

at Morrison and Foerster in San Francisco
ORDERED, that Defendant appear ~~at Lynn & Cahill LLP at 58 West 40th Street, New York, New York 10018~~ *at 10:00 AM on* May *27*, 2010 to testify and give evidence and documents *bsj* concerning his assets on the grounds that he has not complied with the subpoena; and it is further

ORDERED, that, pursuant Fed. R. Civ. P. 69 and to N.Y.C.P.L.R. 5225, Defendant shall pay to Sotheby's all cash or cash or equivalents in his possession, custody or control in an amount sufficient to satisfy the Judgment and, if such money is not sufficient to satisfy the Judgment, to deliver personal property of Defendant *except for the defendant's art work* *bsj* to the New York City Sheriff; and it is further

bsj
ORDERED, that the New York City Sheriff shall take all necessary steps (i) to secure *except for the defendant's art work* *bsj* such property, (ii) to sell it expeditiously as the New York City Sheriff deems appropriate, pursuant to N.Y.C.P.L.R. 5233, (iii) to deliver to Sotheby's any proceeds net of any allowable

costs of the Sheriff up to and including the amount of any unsatisfied portion of its judgment against Minor, and (iv) to deliver to Defendant, or as otherwise may be directed by the Court, any proceeds not needed to satisfy the Judgment; and it is further

~~ORDERED, pursuant to N.Y.C.P.L.R. 5251 and N.Y. Jud. Law § 753, that Defendant be held and in contempt; and it is further~~ *bsj*

~~ORDERED, pursuant to Fed. R. Civ. P. 69 and N.Y.C.P.L.R. 2308(b), that Defendant pay for costs and damages associated with this order in the amount of \$ _____, and it is further~~ *bsj*

~~ORDERED, pursuant to Fed. R. Civ. P. 69 and N.Y.C.P.L.R. 2308(b), that Browne Woods George LLP to comply with the subpoena issued by the attorneys for Sotheby's, Inc. and served on Browne Woods George LLP on April, 22 2010, directing them to appear at Lynn & Cahill at 58 West 40th Street, New York, New York 10018 on May _____, 2010 to testify and give evidence and documents concerning the assets of Halsey Minor; and it is further~~ *bsj*

~~ORDERED, pursuant to Fed. R. Civ. P. 69 and N.Y.C.P.L.R. 2308(b), that DLA Piper comply with a subpoena issued by the attorneys for Sotheby's, Inc. and served on DLA Piper on April, 22 2010, directing them to appear at Lynn & Cahill at 58 West 40th Street, New York, New York 10018 on May _____, 2010 to testify and give evidence and documents concerning Halsey Minor's assets.~~ *bsj*

Dated: May 24, 2010

Barbara S. Jones
U.S.D.J.